

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,

Plaintiff,

v.

TRUCKEE'S POST, LLC,

Defendant.

Case No. [5:21-cv-04696-EJD](#)

**ORDER DISMISSING ACTION FOR
FAILURE TO PROSECUTE**

Plaintiff Scott Johnson filed the present action on June 21, 2021 and sought entry of default against Defendant on August 17, 2021. Dkt. Nos. 1, 12. The Clerk of Court entered default on August 18, 2021. Dkt. No. 13. Plaintiff has taken no further action in the case since.


On October 8, 2021, the Court ordered Plaintiff to file a motion for default judgment by November 4, 2021. Dkt. No. 14. The Court advised Plaintiff that if he failed to file a motion for default judgment by the deadline, the Court would dismiss the action for failure to prosecute. *Id.* Plaintiff did not file a motion for default judgment by November 4, 2021.

The Court possesses the inherent power to dismiss an action sua sponte “to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Accordingly, the Court DISMISSES this action with prejudice pursuant to Rule 41(b).

The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: November 8, 2021


EDWARD J. DAVILA
United States District Judge

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